

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERIC JOHNSTON,

No. C 09-267 MHP (pr)

Petitioner,

**ORDER**

v.

ROBERT L. AYERS, warden,

Respondent.

Petitioner's request for a certificate of appealability is DENIED. (Docket # 10.) A certificate of appealability is not necessary to appeal from the denial of a habeas petition challenging an administrative decision regarding the execution of the petitioner's sentence by prison officials. See Rosas v. Nielsen, 428 F.3d 1229, 1231-32 (9th Cir. 2005). The clerk shall process the appeal.

IT IS SO ORDERED.

DATED: August 25, 2009

  
Marilyn Hall Patel  
United States District Judge